



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

DEAN ALTON HOLCOMB, §
§
vs. § CIVIL ACTION NO. 1:21-2023-MGL-SVH
§
SGT. L. RUSSELL and CPT. ROBERT L. §
CRAWFORD SR., §
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DENYING PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS**

Plaintiff Dean Alton Holcomb (Holcomb) filed this 42 U.S.C. § 1983 action against Defendants Sgt. L. Russell and Cpt. Robert L. Crawford Sr. The matter is before the Court for review of the Report and Recommendation of the United States Magistrate Judge suggesting the Court deny Holcomb's motion to proceed in forma pauperis and give him fourteen days from the filing of this Order to pay the filing fee. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 8, 2021, but Holcomb failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

Therefore, after a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court Holcomb’s motion to proceed in forma pauperis is **DENIED**. He shall have fourteen days from the filing of this Order to pay the required filing fee. If he fails to do so, however, the matter will be **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 25th day of October, 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Holcomb is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.